

8/16/12

OCIS Case Summary for CJ-2012-3764- BUTLER, RONALD DOUGLAS v. STATE FARM MUTUAL AUTO...

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**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA**

RONALD DOUGLAS BUTLER, Plaintiff,	No. CJ-2012-3764 (Civil relief more than \$10,000: BAD FAITH INSURER LIABILITY)
v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Defendant.	Filed: 07/19/2012  Judge: Cantrell, Daman H.

**Parties**

BUTLER, RONALD DOUGLAS , Plaintiff  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY , Defendant

**Attorneys**

Attorney  
BIBY, JACOB W(Bar # 22063)  
2100 SOUTH UTICA  
SUITE 215  
TULSA, OK 74114

Represented Parties  
BUTLER, RONALD DOUGLAS

**Events**

Event	Party	Docket	Reporter
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**Issues**

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

**Issue # 1.****Party Name:**

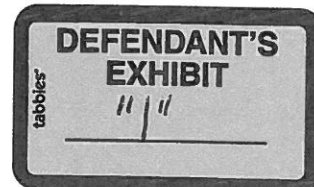
**Defendant:** STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

**Issue:** BAD FAITH INSURER LIABILITY  
(INSURE)  
**Filed by:** BUTLER, RONALD DOUGLAS  
**Filed Date:** 07/19/2012  
**Disposition Information:**

Pending.

**Issue # 2.**

**Issue:** BREACH OF AGREEMENT -  
CONTRACT (CONTRACT)  
**Filed by:** BUTLER, RONALD DOUGLAS  
**Filed Date:** 07/19/2012




8/16/12

OCIS Case Summary for CJ-2012-3764- BUTLER, RONALD DOUGLAS v. STATE FARM MUTUAL AUTO...

**Party Name:****Disposition Information:****Defendant:** STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

Pending.

**Docket**

Date	Code	Count	Party	Serial #	Entry Date		
07-19-2012	TEXT	1		82305692	Jul 19 2012 1:01:48:260PM	-	\$ 0.00
			CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.				
07-19-2012	INSURE	-		82305694	Jul 19 2012 1:01:48:340PM	Realized	\$ 0.00
			BAD FAITH INSURER LIABILITY				
07-19-2012	DMFE	-		82305695	Jul 19 2012 1:01:48:360PM	Realized	\$ 2.00
			DISPUTE MEDIATION FEE(\$ 2.00)				
07-19-2012	PFE1	-		82305696	Jul 19 2012 2:23:23:640PM	Realized	\$ 163.00
			PETITION(\$ 163.00)				
			 <a href="#">Document Available (#1018907547)</a>				
07-19-2012	PFE7	-		82305697	Jul 19 2012 1:01:48:360PM	Realized	\$ 6.00
			LAW LIBRARY FEE(\$ 6.00)				
07-19-2012	OCISR	-		82305698	Jul 19 2012 1:01:48:360PM	Realized	\$ 25.00
			OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)				
07-19-2012	CCADMIN02	-		82305699	Jul 19 2012 1:01:48:360PM	Realized	\$ 0.20
			COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)				
07-19-2012	OCJC	-		82305700	Jul 19 2012 1:01:48:360PM	Realized	\$ 2.00
			OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)				
07-19-2012	OCASA	-		82305701	Jul 19 2012 1:01:48:360PM	Realized	\$ 5.00
			OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)				
07-19-2012	CCADMIN04	-		82305702	Jul 19 2012 1:01:48:360PM	Realized	\$ 0.50
			COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)				
07-19-2012	LTF	-		82305703	Jul 19 2012 1:01:48:460PM	Realized	\$ 10.00

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OCIS Case Summary for CJ-2012-3764- BUTLER RONALD DOUGLAS v. STATE FARM MUTUAL AUTO...

**LENGTHY TRIAL FUND(\$ 10.00)**

07-19-2012 SMF	-	82305704	Jul 19 2012 1:01:48:500PM	Realized \$ 5.00
<b>SUMMONS FEE (CLERKS FEE)(\$ 5.00)</b>				

07-19-2012 SMIMA	-	82305705	Jul 19 2012 1:01:46:540PM	Realized \$ 0.00
<b>SUMMONS ISSUED - MAILED BY ATTORNEY</b>				

07-19-2012 TEXT	-	82305693	Jul 19 2012 1:01:46:320PM	- \$ 0.00
<b>OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CANTRELL, DAMAN H. TO THIS CASE.</b>				

07-19-2012 ACCOUNT	-	82305725	Jul 19 2012 1:02:25:110PM	- \$ 0.00
<b>RECEIPT # 2012-2403893 ON 07/19/2012.</b> <b>PAYOR:MARTIN JEAN &amp; JACKSON TOTAL AMOUNT PAID: \$218.70.</b> <b>LINE ITEMS:</b> <b>CJ-2012-3764: \$168.00 ON AC01 CLERK FEES.</b> <b>CJ-2012-3764: \$6.00 ON AC23 LAW LIBRARY FEE.</b> <b>CJ-2012-3764: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.</b> <b>CJ-2012-3764: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.</b> <b>CJ-2012-3764: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.</b> <b>CJ-2012-3764: \$2.00 ON AC64 DISPUTE MEDIATION FEES.</b> <b>CJ-2012-3764: \$25.00 ON AC79 OCIS REVOLVING FUND.</b> <b>CJ-2012-3764: \$10.00 ON AC81 LENGTHY TRIAL FUND.</b>				

08-07-2012 S	-	STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY	82500084	Aug 7 2012 1:14:06:963PM	- \$ 0.00
<b>PARTY HAS BEEN SUCCESSFULLY SERVED. SUMMONS SERVED FOR OKLAHOMA INSURANCE          COMMISSIONER, CERTIFIED MAIL, STAMPED SABRINA S, ON ?</b> <b><u>Document Available (#1019192194)</u></b>					

Report Generated by The Oklahoma Court Information System at August 16, 2012 13:14 PM

End of Transmission.

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma,  
 hereby certify that the foregoing is a true, correct and full  
 copy of the instrument herewith set out as appears on record  
 in the Court Clerk's Office of Tulsa County, Oklahoma, this

AUG 16 2012  
  
 By Deputy 3/3





IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**

JUL 19 2012

CLERK OF DISTRICT COURT  
STATE OF OKLA. TULSA COUNTY

RONALD DOUGLAS BUTLER,  
an individual

Plaintiff,

vs.

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY, a foreign corporation,

Defendant.

**CJ-2012-03764**  
Case No. CJ-2012-

**DAMAN CANTRELL**  
ATTORNEY LIEN CLAIMED

PETITION

COMES NOW the Plaintiff, Ronald Douglas Butler and for his cause of action against the Defendant, State Farm Mutual Automobile Insurance Company, alleges and states:

1. That on or about March 02, 2012, in the early morning hours the Plaintiff was traveling West in a 1997 Ford F-150 on Highway 412 near Woodward, Oklahoma, when his vehicle hit a large pot hole (hereinafter, the "incident").

2. Immediately thereafter, the rear of Plaintiff's vehicle began to experience a general decline in performance.

3. The morning following the incident on Highway 412, Plaintiff's vehicle was taken to Foss Ford in Liberal, Kansas to be repaired.

4. That Foss Ford determined Plaintiff's rear axle was broken and that all bearings and seals in the rear drive axle and the right rear axle shaft needed to be replaced. In addition, the Plaintiff's right rear wheel was determined to have sustained damage.

5. That at the time, Plaintiff and his 1997 Ford F-150 were insured under a policy of insurance with State Farm known as policy number 231-669-A06-36 (hereinafter, the "policy").

CLERK OF DISTRICT COURT  
STATE OF OKLA. TULSA COUNTY

12 JUL 19 PM 1:05

6. That as part of his "policy", the Plaintiff's vehicle was insured for damages sustained directly from the incident on Highway 412 on March 02, 2012.

7. That after the "incident", the Plaintiff submitted a claim for property damage to State Farm and was assigned claim number 36-0SP0-480 (hereinafter referred to as the "claim").

8. That after submission of his "claim" State Farm instituted an investigation into the "claim."

9. That upon completion of its investigation, State Farm determined any damage to the rear axle of Plaintiff's vehicle was the result of "wear and tear over time" and was not a loss covered under the "policy" and therefore State Farm denied the "claim."

10. That the damage to the rear axle of the Plaintiff's vehicle was not the result of "wear and tear over time" and was in fact sustained by the "incident" March 02, 2012.

11. That State Farms denial of the "claim" was the result of a flawed, biased and/or incomplete evaluation by its claims personnel.

12. That under the "policy" Plaintiff, Ronald Douglas Butler and Defendant, State Farm owed each other certain contractual duties.

13. That the Plaintiff satisfied all conditions precedent to the contract.

14. That State Farms denial of the "claim" was a breach of contract with the Plaintiff, Ronald Douglas Butler.

15. That as a result of Defendants breach of the contract, Plaintiff sustained damages in excess of \$75,000.00.

16. That the Defendant, State Farm owed the Plaintiff, as its insured, a duty to deal with the Plaintiff fairly and in good faith while handling the Plaintiff's "claim."

17. That the defendant, State Farm conducted an investigation that failed to treat its insured, Mr. Butler's interests with the same regard as its own.

18. That the Defendant, State Farm conducted an investigation that failed to give Mr. Butler the benefit of the doubt regarding causation of the damage to his vehicle.

19. That the actions as alleged in paragraphs 12, 14, 17, and 18 breached Defendant, State Farm's duty to deal fairly and in good faith with their insured, Ronald Douglas Butler.

20. That as a result of Defendant, State Farm's breach of the duty of good faith and fair dealing the Plaintiff sustained damages in an amount in excess of \$75,000.00.

21. That at all times herein Plaintiff has been a resident of Tulsa, Tulsa County, Oklahoma and his "policy" and subsequent "claim" were handled in Tulsa, Tulsa County, Oklahoma thus rendering jurisdiction proper in this court.

WHEREFORE, premises considered, Plaintiff, Ronald Douglas Butler, asks for judgment for property damage, breach of contract, and bad faith against the Defendant in an amount in excess of \$75,000.00, plus attorney fees, court costs, prejudgment interest, postjudgment interest, and what other further relief this finds allowable by law.

  
Jacob W. Biby OBA# 22063  
MARTIN JEAN & JACKSON  
Attorneys for the Plaintiff  
P.O. Drawer 1588  
Ponca City, OK 74602  
(580) 765-9967 – Telephone  
(580) 765-5433 – Fax  
[jbiby@mjlawfirm.com](mailto:jbiby@mjlawfirm.com)

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma,  
herby certify that the foregoing is a true, correct and full  
copy of the instrument herewith set out as appears on record  
in the Court Clerk's Office of Tulsa County, Oklahoma, this

AUG 16 2012

  
By \_\_\_\_\_  
Deputy



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA



RONALD DOUGLAS BUTLER,  
an individual

Plaintiff,

vs.

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY, a foreign corporation,

Defendant.

**CJ-2012-03764**  
Case No. CJ-2012-

ATTORNEY LIEN CLAIMED

DISTRICT COURT  
**FILED**

AUG -7 2012

ORIGINAL SUMMONS

ATTENTION: Sheriff, Deputy Sheriff, Process Server

When service has been made, immediately return this copy to the Court Clerk who issued it.

SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLAHOMA

Please serve the attached summons on: State Farm Mutual Automobile Insurance Company

Plaintiff or Attorney for Plaintiff:

Jacob W. Bibb, OBA #22063

Martin Legg & Jackson

Attorneys for Plaintiff

2100 South Utica, Suite 215

Tulsa, Oklahoma 74114

918-743-4000 Telephone

918-743-4001 Facsimile

Process Server, \_\_\_\_\_  
appointed to serve, PSL No.

Authorized by

TO THE ABOVE NAMED DEFENDANT(s):

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

SALLY HOWE SMITH, COURT CLERK

\*\*COUNTY COURT CLERK

Issued this 19 day of July, 2012.

By   
Deputy Court Clerk


TO THE ABOVE NAMED DEFENDANT(s)



This summons was served on \_\_\_\_\_.

\_\_\_\_\_  
Signature of person serving summons

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

**MARTIN JEAN & JACKSON**  
ATTORNEYS AT LAW  
ONE SOUTH MAIN, SUITE 200  
TULSA, OKLAHOMA 74104

  
**7010 3090 0001 4954 3048**

**Oklahoma Insurance Commissioner**  
**P.O. Box 53408**  
**Oklahoma City, OK 73152**

SENDER, COMPLETE THIS SECTION		RECEIVED	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p><b>A. Signature</b> X <b>6 03 2012</b> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>B. Received by (Printed Name)</b> <i>James Allen</i> <span style="float: right;"><b>C. Date of Delivery</b></span></p> <p><b>D. Is delivery address different from Item 1?</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p><b>1. Article Addressed to:</b></p> <p style="text-align: center; margin-top: 20px;"><b>Oklahoma Insurance Commissioner</b>  <b>P.O. Box 53408</b>  <b>Oklahoma City, OK 73152</b></p>		<p><b>3. Service Type:</b></p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail  <input type="checkbox"/> Registered  <input type="checkbox"/> Insured Mail                         </div> <div> <input type="checkbox"/> Express Mail  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> C.O.D.                         </div> </div> <p><b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes</p>	
<p><b>2. Article Number</b> (Transfer from service label)</p>		<p style="text-align: center; font-size: 1.2em;"><b>7010 3090 0001 4954 3048</b></p>	

PS Form 3811, February 2004

Domestic Return Receipt

102903-00-00-1040

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma, this

AUG 16 2012

By *[Signature]*  
Deputy